

REMARKS

By way of this amendment, claims 1 and 10, the only independent claims, have been amended and dependent claims 2 and 11 which depend from claims 1 and 10, respectively, have been canceled. The amendments to claim 1 include the "biochemical analyzer" being positioned to clarify that the biochemical analyzer is not itself integral to the computing device as well as to clarify based on the subject matter of claim 2 that the biochemical analyzer analyzes fluid samples "for the presence of chemical species or concentrations indicative of the neurological injury". Lastly, claim 1 has been amended to delete reference to a secondary injury. Support for these amendments and the corresponding amendments to pending independent process claim 10 is found within the claims as filed as well as those portions of the specification made of record in the previous amendments of September 9, 2008 and November 19, 2008. Accordingly, it is submitted that no new matter has been added to the application by way of this amendment.

Currently, the pending claims stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement, in particular with support for the detection of a neurological injury as having a secondary injury or the use of a biochemical analyzer for determining the presence of such injury. The above amendments delete reference to a secondary injury, and these rejections are believed to now have been overcome. Additionally, with respect to claim 1, it is noted that the specification fails to support the biochemical analyzer being part of the computing device. The specification is noted as providing ample support for the computing system being connected to the biochemical analyzer for display of acquired results. (Paper No. 20090209, page 3, second paragraph). Consistent with these findings with respect to the specification, the pending claims are now believed to be coterminous with the written description provided in the specification and accordingly withdrawal of the outstanding

rejections under 35 U.S.C. §112, first paragraph, with respect to pending claims 1, 3-10, 12 and 13 are requested. Applicant also notes that the Examiner's statements as to potential allowability of the claimed subject matter provided in the PCT Written Opinion during the PCT stage of this application articulate a basis for the allowability of these pending claims.

Additionally, all the pending claims stand rejected under 35 U.S.C. §112, second paragraph, with respect to ambiguity associated with a biochemical analyzer being detailed in pending independent claims 1 and 10 while dependent claims 2 and 11 create ambiguity as to whether a second biochemical analyzer is present. In response to this rejection, pending dependent claims 2 and 11 have been canceled thereby obviating this rejection.

On the basis of the cancellation of claims 2 and 10, reconsideration and withdrawal of the rejection as to the pending claims under 35 U.S.C. §112, second paragraph, is respectfully requested.

Summary

Claims 1, 3-10, 12 and 13 are pending in the application. Each of these claims is believed to be in allowable form and directed to patentable subject matter. Reconsideration and withdrawal of the outstanding rejections and the passing of this application to allowance are solicited. Should the Examiner have any suggestion as to how to improve the form of any of the pending claims, it is respectfully requested that the undersigned attorney be contacted at the telephone number below in order to resolve any remaining issues. Owing to the clearance of prior art rejections, Applicant is amenable to an Examiner's amendment in the event that additional modifications are needed to place the pending claims in condition for allowance.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

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Respectfully submitted,

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